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PTO/SB/21 (08-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number

09/900,469

Filing Date

July 9, 2001

First Named Inventor

Ali Rusta-Sallehy et al

Group Art Unit

1764

Examiner Name

Not yet assigned

Attorney Docket Number

9351-70 HSF

### ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☒ Fee Attached

☐ Amendment / Response

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers (for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s)

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below):

Correction of Error in Small Entity Status Under 37 C.F.R. 1.28.

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

BERESKIN & PARR

Signature

Date

March 1, 2002

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Typed or printed name

Signature

Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

956.00

## Complete if Known

Application Number 09/900,469  
 Filing Date July 9, 2001  
 First Named Inventor Ali Rusta-Sallehy et al  
 Examiner Name Not yet assigned  
 Group Art Unit 1764  
 Attorney Docket No. 9351-70 HSF

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit AccountDeposit Account Number  
Deposit Account Name

022095

Bereskin &amp; Parr

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	370.00
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$) 370.00

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
53	20 ** = 33	9.00	297.00
5	5 - 3 ** = 2	42.00	84.00
Multiple Dependent		140.00	140.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 521.00

\*\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	65.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <del>ex</del> parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 65.00

## SUBMITTED BY

Name (Print/Type) H. Samuel Frost

Registration No. 31,696  
(Attorney/Agent)

## Complete (if applicable)

Telephone (416) 364-7311

Signature

Date March 1, 2002

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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# Bereskin & Parr

Barristers and Solicitors/Patent and Trade Mark Agents  
Practice Restricted to Intellectual Property Law

March 1, 2002

H. Samuel Frost B.A. (Eng. Sci.), M.Sc. (Nucl. Eng.)  
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Our Reference: 9351-70

## CHANGE IN SMALL ENTITY STATUS UNDER 37 C.F.R. 1.28

The Commissioner of Patents  
& Trademarks  
Washington, D.C.  
U.S.A 20231

Dear Sir:

**Re: United States Patent Application No. 09/900,469**  
**For: CHEMICAL HYDRIDE HYDROGEN GENERATION SYSTEM**  
**AND AN ENERGY SYSTEM INCORPORATING THE SAME**  
**Filed: July 9, 2001**  
**Inventors: Ali Rusta-Sallehy et al**  
**Group Art Unit: 1764**

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In accordance with the provisions of 37 C.F.R. 1.28, the assignee of the present invention wishes to forfeit small entity status for this application. The small entity status was established in good faith, when the filing fee for this application was paid on October 23, 2001.

At that time, total fees of \$996.00 were paid. The deficiency between the small entity fee and the regular fee, as required by 37 C.F.R. 1.28 (c)(2) is \$956.00, and this fee is included in our cheque number 4207. As required by 37 C.F.R. 1.28(c)(2)(ii), itemization of the deficiency in the payment is as follows:

Fee	Large Entity Rate	Small Entity Rate	Deficiency
Basic Filing Fee	740.00	370.00	370.00
Claim Fee	594.00	297.00	297.00
Independent Claim Fee	168.00	84.00	84.00
Multiple Dependent Claim Fee	280.00	140.00	140.00
Surcharge - late filing of fee or oath	130.00	65.00	65.00
<b>TOTALS</b>	<b>1912.00</b>	<b>956.00</b>	<b>956.00</b>

It is noted that 37 C.F.R. 1.28(d) indicates that any deficiency payment submitted under paragraph (c) of that section will be treated as a notification of loss of entitlement to small entity status, as detailed in 37 C.F.R.1.27(g)(2). For the avoidance of doubt, the assignee still believes that it is entitled to small entity status. However, the assignee wishes this application to proceed with large entity status, and for this reason this submission is being made and the deficiency in the fees is being paid.

Respectfully submitted,



H. Samuel Frost  
Registration No. 31,696

/elb  
Encl.